

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EMIL P. MILYAKOV,

Plaintiff,

v.

QUALITY LOAN SERVICE CORP, *et al.*,

Defendants.

No. C 17-06533 WHA

**ORDER GRANTING MOTION  
TO DISMISS FOR FAILURE  
TO PROSECUTE**

This second wrongful foreclosure action was filed by *pro se* plaintiffs Emil Milyakov and Magdalena Apostolova in November 2017. Defendants moved to dismiss the complaint for failure to state a claim pursuant to FRCP 12(b)(6). At the hearing on defendants' motions to dismiss, the Deputy Clerk called the case, but plaintiffs were not present. When the case was recalled at the end of the Court's motion calendar, plaintiffs were still not in attendance.

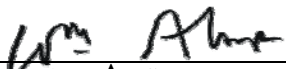
An order later dismissed the complaint for failure to state a claim. The dismissal order stated that plaintiffs could file a motion for leave to file an amended complaint by February 27, 2018 (Dkt. No. 35). That date has long passed and nothing has been filed.

On March 22, defendants Wilmington Savings Fund Society, FSB, Mortgage Electronic Registration Systems, Inc., and Pretium Mortgage Credit Partners I Loan Acquisition, LP, filed a motion to dismiss for failure to prosecute pursuant to FRCP 41(b). Defendants JPMorgan Chase Bank, N.A. and California Reconveyance Company joined the motion (Dkt. Nos. 37–38). Plaintiffs' deadline to respond to the motion was April 5. That date came and went without any response from plaintiffs.

1 Because plaintiffs have failed to respond to deadlines governing this action, defendants'  
2 motion to dismiss for failure to prosecute is **GRANTED**. The hearing on May 10 is **VACATED**.  
3 Judgment will be entered separately.

4  
5 **IT IS SO ORDERED.**

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7 Dated: April 26, 2018.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE